



03 APR 2009

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In re Application of  
COLLINS *et al*  
Application No.: 10/562,750  
PCT No.: PCT/IB2004/002436  
Int. Filing Date: 01 July 2004  
Priority Date: 04 July 2003  
Docket No.: ABE-39290  
For: CABINET REFRIGERATING  
SYSTEM

**DECISION ON  
RENEWED PETITION  
UNDER 37 CFR 1.47(a)**

This is a decision on applicants' renewed petition under 37 CFR 1.47(a), filed 03 February 2009.

**BACKGROUND**

On 10 December 2008, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 03 February 2009, applicants filed the renewed petition which was accompanied by, *inter alia*, an executed declaration, a second declaration by Ivan Goldberg and documentary evidence in support of the renewed petition.

**DISCUSSION**

As previously noted, a petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventor(s) on their behalf and on behalf of the nonsigning joint inventor. Item (2) and (4) were not satisfied in the initial petition.

Regarding item (2), petitioners submitted a declaration by Ivan R. Goldberg detailing the efforts to locate the nonsigning inventor, Dan Joslin. Petitioners also provided documentary evidence of the searches.

A review of the evidence indicates that petitioners have provided ample evidence showing that a diligent effort was made to locate the nonsigning inventor. Petitioners detailed their efforts to locate and contact persons to determine whether they were the nonsigning inventor. The requisite documentary evidence was provided. This evidence along with the previously filed evidence in the original petition is sufficient to satisfy item

10/562,750

(2) of 37 CFR 1.47(a).

Concerning item (4), petitioners included a complete copy of each declaration signed by three of the four joint inventors listed on the international publication. The declaration is in compliance with 37 CFR 1.497(a) and (b) and meets the requirements of section 409.03(a)(A) of the MPEP. Item (4) of 37 CFR 1.47(a) is now satisfied.

All items of 37 CFR 1.47(a) are now complete.

### **CONCLUSION**

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 01 July 2004 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 03 February 2009.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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Dear Mr. Joslin:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

  
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